CITY & COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS

NARRATIVE DESCRIPTION

MARCH 1960. REVISED OCTOBER 1964

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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

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NARRATIVE DESCRIPTION

I. HISTORY.

1. Ayuntamiento.

The present-day Board of Supervisors represents the development of a succession of legislative bodies which preceded it under Mexican rule. The first half of the nineteenth century was a period of numerous and sweeping changes in the Mexican government, but in 1836 an entirely new Constitution was adopted. Under it there was established in San Francisco, then known as Yerba Buena, a legislative body, the forerunner of today's Board of Supervisors, designated as the Ayuntamiento. The members of the Ayuntamiento were appointed by the territorial officials, and their duties were curiously similar to those of the Board of Supervisors in modern times. They were required to provide for, among other local affairs, the following: health, convenience, ornament, order and security within the city; cleanliness of streets; regulation of quality of meats and drugs; establishment of prisons; hospitals and charitable institutions; birth, death and marriage records; an adequate water supply; straight, paved and lighted streets; guideboards at road intersections to show directions and distances to the nearest Pueblo; and schools.

In 1849 there was held the first meeting of the Ayuntamiento, or town council, under American rule. John W. Geary was the first Alcalde, or Mayor, and he sat as President of the Council. Today, the Mayor has a seat in the Board of Supervisors, with a right to participate in the Board's debates, but he is not entitled to vote.

2. Consolidation Act.

In 1850, the City of San Francisco was created by an act of the State Legislature. The city offices were independent of the offices of the County of San Francisco, and thus there were two sets of officials, one for the city and one for the county. Then, in 1856, the so-called Consolidation Act was passed by the Legislature. It consolidated the city and county governments into one, with geographic and political boundaries being coterminous. At that time, as now, San Francisco enjoys the only governmental set-up of this consolidated nature in California. Some of its officers are essentially city officials, others are county officers, and usually it is the nature of the official act they are called upon to perform which determines whether they are acting in a city or county capacity.

3. Home Rule.

In 1900, San Francisco came under the operation of its first home-rule charter. Prior to that time, it acted as a so-called general law city, and all of its functions were exercised under the general authority of State statutes. By determining that they would take advantage of the home-rule provisions of the State Constitution, the people of the City and County took the position, in effect, that as to all matters of purely municipal concern (by that is meant all those matters not of State-wide scope, over which the State retains full power to legislate), the local law would be supreme.

DOCUMENTS DEPT.

4. 1932 Charter.

The first home-rule charter remained as the basic local law until the year 1932, when it was superseded by the Charter presently in effect. The significant changes effected by the present Charter consist of provisions for a fundamentally strong-Mayor form of government, with a substantial amount of power vested in a Chief Administrative Officer, and for fiscal operations to be carried out on a cash basis.

ORGANIZATION.

Under the present Charter, the Board of Supervisors consists of eleven members elected at large. That is they are not elected by districts or wards, as was the case in the past and as is now the case in many other cities, but are elected from the community as a whole. Also, in past times, the Board has numbered eighteen or fifteen instead of eleven.

The number has gradually dwindled in order to avoid a body so large as to be unwieldy, while retaining a sufficient number to assure a representative group of men and women in elective legislative office. To run for the office of supervisor a person must be a voting citizen who has lived in San Francisco for at least five years. He must file a declaration of candidacy with the registrar of voters, stating in one hundred words or less his qualifications, together with certificates of ten to twenty sponsors. He must pay a fee of $30.

The terms of the members are staggered so that in consecutive odd numbered years, six are elected in one such year and five in the next such year. The salary of each member is $9600 per year. The positions are part-time, at least in theory, but the Board meetings each week, the numerous committee meetings which are scheduled, and the ex-officio meetings which are demanded of the members have mounted tremendously in volume during the past three decades, along with the rapid growth of the community and the greatly expanded scope of services provided by the municipality, and therefore in actual practice the positions are full-time in every sense of the word except possibly for the remuneration which they command. Vacancies in the membership of the Board are filled by appointment of the Mayor for the unexpired term.

The voters have kept for themselves the power to "fire" any elected official before his term is up. The way in which this is done is known as the recall. In San Francisco the voters have this power, which is exercised by getting a percentage of the voters to sign a petition directing that a special recall election be held. Supervisors, as well as other elected officials, may be removed by use of the recall. They may also be suspended by the Mayor, and then be removed by a three-fourths vote of the Board of Supervisors based on written charges preferred by the Mayor.

The personnel of the Board of Supervisors traditionally represents a broad cross-section of the people of San Francisco. In past years, it was not uncommon to find prototypes of the popular image of cigar-smoking politicians included in the membership. The color and glamor which they brought to the Board, and, too, the very real contributions which they made to the welfare and progress of the City have found permanent places in the history of San Francisco. Today we find, in keeping with modern trends, a somewhat different type of citizen who is attracted to service on the Board. The present membership includes leading representatives of the community's professional, business and labor groups. There is often a preponderance of members from the legal profession on the Board, but far from detracting from the value of the Board's efforts, their presence has brought an incisive and eminently fair quality to the Board's work which has won acclaim from all segments of the community.

POWERS, DUTIES AND FUNCTIONS

1. Board vs. Council.

Under the terms of the present Charter, theoretically, the functions of the Board of Supervisors are strictly legislative in character, except in one or two isolated instances where the Board acts in a quasi-judicial capacity. Because San Francisco has a consolidated city and county government, your legislative body acts in a dual capacity - as a Board of Supervisors, and also as a City Council. In some instances, the Board acts pursuant to authority of State law, and in other matters under the authority of its home-rule Charter.

2. Charter - residual powers of the Board.

Our Charter does not represent, as is commonly thought, a grant of powers to the City and County. Rather, it has been defined as a limitation on the full and complete powers vested in local officials when the people of San Francisco decided they would be home-ruled with respect to their municipal affairs. The Charter outlines the duties of the various officers and departments, and then it goes on to say that the powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions shall be vested in the Board of Supervisors. Also, it has an important provision to the effect that the exercise of all rights and powers of the city and county when not prescribed in the charter shall be as provided by ordinance or resolution of the Board of Supervisors. Therefore, it can be seen that the authority of the Board extends over a very wide range of municipal affairs.

In one area, the Charter sets out very strict limitations on the powers of the Board. It says that neither the Board, nor its committees, nor any of its members shall dictate, suggest or interfere with appointments, promotions, compensations, disciplinary actions, contracts, requisitions for purchases or other administrative recommendations or actions of the Chief Administrative Officer, or of department heads under him, or under the respective boards or commissions. Any violation shall constitute official misconduct which will justify removal from office.

It was the policy of the Board of Freeholders which framed the Charter to effectively deprive the Board of Supervisors of all administrative powers - "hands off" was their intention, and that intention has been substantially observed since 1932. However, from a practical point of view, indirectly, the authority of the Board finds expression in connection with most of the functions of government, and this is particularly true in affairs involving the appropriation and expenditure of moneys. Many of the Board's actions and functions are inextricably related to the administrative operations of government.

3. Quasi-judicial functions.

The Board of Supervisors departs from its traditional role as a legislative body when it sits in a judicial capacity in a few matters which come before it officially for adjudication. Examples are its actions as a court of appeal from decisions of the City Planning Commission in zoning matters, its adjudication of applications for reduction of assessments proposed by the Assessor, and its consideration of appeals from street work assessments imposed by the Department of Public Works.

LEGISLATIVE PROCEDURES.

1. Committee structure.

The Board of Supervisors operates somewhat along the lines of the United States Congress and the California Legislature in that it has a number of committees which screen matters presented to the Board. After preliminary consideration, the committees either send the proposed measures along to the full Board for a vote, or table them if they are considered to be of doubtful merit. The standing committees of the Board number eleven, and they are designed to have initial jurisdiction over every conceivable object of official action. For example, there is a Finance Committee which considers all matters affecting in any way the finances, revenues, taxes and fiscal procedure of the City and County; a Health Committee which hears proposals pertaining to public health; a Streets and Transportation Committee which entertains all matters relating to freeways, street improvements and transit facilities; and so on.

2. Public Hearings.

In the course of their deliberations, the committees (to each of which is assigned an experienced Assistant Clerk of the Board for necessary clerical and administrative assistance) mail notices to all ascertainable interested persons who might be in favor of or opposed to an issue, set up a calendar of business, and then hold a public hearing, usually in the Committee meeting room on the second floor of the City Hall. The Committee (usually consisting of three Board members) at the appointed time calls the particular item up for discussion, and everyone interested is accorded an opportunity to be fully heard. Then the Committee decides that it will send the measure on to the full Board with a recommendation that it be approved, or it may desire to hold additional hearings in the future, or it may conclude that the matter is not a meritorious one and direct that it be filed or tabled. The parliamentary rules followed by the Committees are essentially the same as those in use at Board meetings, except that the privilege of the floor is extended as a matter of course.

3. Charter amendments.

One of the primary duties of the Board is to screen and pass along to the voters proposals for amendment of the Charter. The original 1932 Charter has been amended by having sections added or deleted or altered in more than 350 instances. The freeholders no doubt would have difficulty in recognizing some of the provisions over which they labored so hard and long, but the constant change is quite understandable when one considers the infinite technological, sociological and ideological changes which have occurred in the past three decades and which undoubtedly will continue to occur in the future. A charter amendment must be sponsored personally by a member of the Board. After its introduction, it is referred to the Governmental Services Committee for public hearings and careful review. If it survives that test, it is sent along to the Board, which, with the concurrence of six affirmative votes, may pass it on to the voters at the next following election. If a majority of the electors favor it, then it is transmitted to the State Legislature for approval, following which it is filed with the Secretary of State and thus becomes a part of the organic law of the City and County. The Charter and amendments to it, incidentally, have the stature of State law, and so are superior to purely local law in the form of ordinances.

4. Ordinances

The highest form of action taken by the Board of Supervisors is an ordinance. It is an act or law of a local governmental agency, in this case the Board of Supervisors, duly enacted by the proper authorities and expressed in written ordaining form. It has been defined as a local law of a municipal corporation, duly enacted by proper authorities, prescribing general, uniform and permanent rules of conduct, relating to the corporate affairs of the municipality. For instance, regulations involving persons or property which impose a penalty by fine, imprisonment or forfeiture for their violation must always be in the form of an ordinance. Our Charter specifies somewhat vaguely that every legislative act shall be by ordinance, but our difficulty has been in obtaining a satisfactory and definitive explanation of what constitutes a legislative act. Legal authorities as yet have not attempted a categorical definition.

It might be informative to trace the path taken by a proposed ordinance in order to have an understanding of the processing to which it is subjected. An ordinance must be introduced by a Board member at a meeting of the Board. As a matter of actual practice, most of those proposed ordinances which are received from the several department heads during the week, in the Clerk's office, are listed in the Board's calendar of matters for the following Monday meeting, with a note appended to each indicating to which Committee they are being referred by the President, and it is implied that the introduction of such measure is being made by the President. Other proposed ordinances, however, may be and are introduced individually during the meeting by the sponsoring Supervisors.

Following, or perhaps prior to, the Board meeting at which Committee referral takes place, the ordinance is processed in the Senior Legislative Clerk's section of the Clerk's office. There it is indexed on a Kardex card, on which a complete chronological history will be maintained, and on a Chaindex card which will provide an alphabetical lead to its whereabouts. A file jacket is prepared, with a history sheet and with a permanently assigned number, so that for all time easy identification of the subject matter may be assured.

After introduction, the ordinance is referred via the Rules Committee to a Committee of the Board for public hearings, unless it is an emergency measure, in which case the Board may either send it to Committee, or enact it immediately, by at least nine affirmative votes, without reference to Committee.

During Committee consideration, both sides of any controversial issue are fully heard, departmental reports and recommendations are received and studied, and every facet of the proposal is explored in order that the Committee may formulate an informed recommendation for Board action.

After the ordinance has been reported out to the Board by the Committee, unless it is an emergency measure, it must be passed at two separate meetings, requiring at least six votes to pass at each of the two readings. Thereafter, it goes back to the Senior Legislative Clerk's section for recordation in a volume which cross-indexes file and ordinance numbers, is transmitted to the Mayor's office for his signature and comesback to the Clerk's office for permanent filing in a bound volume. At the same time, an exact copy is delivered to the official newspaper for printing. On passage for second reading, the ordinance is printed in full. Upon final passage, a notice including the title of the ordinance, together with an indication that it has finally passed, is printed. In this way, ample public notice of proposed legislation is given, and the constitutional requirement of due and adequate notice is met.

The Charter specifies that each ordinance shall be prepared or approved as to form by the City Attorney, but in practice it has been found that a great number are drafted in the Clerk's office. The Board enacts several hundred ordinances annually, and also considers a considerable number in addition, which for one reason or another never reach the stage of final enactment.

5. Resolutions.

Another form of Board action is the resolution. A resolution generally speaking is a proposal submitted in writing, the effective clause of which is "Resolved that...". It is more formal than any business submitted orally and called a motion, and is less formal than the ordinance. It usually does not demand the legal processing required of an ordinance, and can be passed after consideration at only one Board meeting, instead of two. A resolution cannot contain a penal clause, and is usually employed in expressing declarations of policy, discharging functions of an administrative rather than purely legislative nature, acting in a capacity involving ceremonial expression or social amenities, and performing Supervisorial duties of a transitory nature, which have no permanent or lasting effect.

The Board adopts approximately seven hundred resolutions each year, and at the same time considers and rejects several hundred for which no need can be determined. In the main, they are processed in the same manner as ordinances.

6. Motions.

The third form of official expression ordinarily employed by the Board of Supervisors is the motion. A motion has been defined as a proposal that a deliberative assembly take certain action, or that it express itself as holding certain views. It has been said that it is the inherent right of every parliamentary body to act by motion. A motion is the least formal of the Board's forms of action, is ordinarily made orally and usually pertains to parliamentary or intra-Board matters. If it is of substantial importance or length, it usually must be presented as a written resolution.

BOARD MEETINGS.

1. Agenda.

The Charter requires that the Board of Supervisors meet in the legislative chambers on the second floor of the City Hall, and that regular meetings be held. The Board, by resolution, has decreed that its regular meetings shall be held each Monday (or the next succeeding regular business day) commencing at 2:00 p.m. The public is invited, and the average attendance is moderate, rising or declining according to the degree of community interest in calendared items.

On the Friday afternoon preceding each Monday's Board meeting the Clerk's office prepares a mimeographed Calendar of Matters which includes all items regularly scheduled to be considered and acted upon at the meeting. Copies of the Calendar are sent to the homes or offices of the members in order that they may familiarize themselves with its contents over the weekend. In addition, approximately two hundred copies of the Calendar are run off for the use of the public, the press, and interested departmental representatives. No mailing list is maintained due to the paucity of Clerk's personnel, the attendant expense, and the difficulty which would be experienced in keeping such a list current. Interested persons are invited to call at the Clerk's office for their copies at any time after 4:00 p.m. on Friday afternoon.

2. Order of Business.

The Board meeting follows a prescribed pattern, laid down in the Board's Rules of Order which deal with various matters of parliamentary procedure. Although there is provision for suspension of the rules, the Board ordinarily follows quite closely the prescribed order of business, which is:

(1) Roll Call.
(2) Pledge of Allegiance.
(3) Approval of Journal.
(4) Communications.
(5) Calendar Matters.
(6) Reports of Committees.
(7) Roll Call for introduction or presentation of measures not considered or reported on by committee.

The listed order is self-explanatory, but it is interesting to note that the catch-all item listed as number seven is the phase of the Board's proceedings which often produces the most interesting and constructive measures. That is the last part of the day's program when each member, in alphabetical order, may address his colleagues on any matter, within the Board's sphere of jurisdiction, in which he happens to be interested. Then he may bring up unscheduled, uncalendared, and previously undiscussed matters, and either ask for immediate action thereon by vote of the Board, or for referral to Committee for further study and ultimate recommendation for Board action. Or, he may make inquiry about the state of any City affairs, and request a report thereon from the interested departments. The scope of the Board's power to inquire into departmental affairs is extremely broad.

3. Parliamentary Procedure.

As mentioned above, the parliamentary procedure followed by the Board is laid down in its Rules of Order. The Rules comprehensively cover the mechanical aspects of the Board's proceedings and the procedural course which its meeting and the matters before it must take. Included are rules pertaining to attendance at meetings, consideration of motions, voting requirements, privilege of the floor, special orders of business, and the like. Also included are the prescribed duties of the presiding officer of the Board whose title is President.

The President of the Board has a number of important functions to perform. Among them are the appointment of the membership of all standing and special committees and their respective chairman, the designation of Board representatives to attend meetings and conventions of other organizations, the assignment of seats and offices for the use of the members, the preservation of order and decorum, the decision of all questions of order, and so on. In addition, the President authenticates by his signature, when necessary, all documents issued or authorized by order of the Board and represents the Board when requested at official and ceremonial functions. A great deal of his time is occupied in discharging the duties of his office, and in substantial measure the President is looked to throughout the community for an explanation of the various positions taken by the Board.

4. Journal of Proceedings.

The report of the official actions taken by the Board at its regular and special meetings is contained in a publication designated as the Journal of Proceedings. The Charter provides that the Clerk of the Board shall keep such a journal. Pursuant to the Charter's edict, a printed account of the Board's action is prepared and

permanently maintained. The purpose of the Journal is primarily, if not entirely, to provide a fair and complete record of the proceedings in the Board's meetings. If accurate, complete and unambiguous matters are recorded, they will be treated by the courts as conclusive evidence of the facts therein stated. Also, it is the acts of the members of the Board in assembling together at the proper time and place, and the casting of their votes on the various measures presented to them, which determine the validity or invalidity of their actions. Nevertheless, a sufficient record must be made of their activities in order to furnish satisfactory evidence of not only the subject matter of the Board's decisions, but of the fact that they are adopted in accordance with the law by which the Board is governed.

After the Journal is printed, a number of official copies is signed by the Clerk and held for binding and permanent retention. Other copies are distributed to an official mailing list, for information and retention. Thereafter, the contents of the Journal are completely indexed by the Clerk's office and the index, after typing, is bound and retained in permanent form.

SCOPE OF BOARD ACTIONS.

The Board of Supervisors and its committees, serving as what might be deemed a one-house local Congress, processes an amazing amount of potential and realized legislative matters. It establishes the policy for a tremendously wide scope of civic activities and improvement. The overwhelming amount of detail which is processed by the Board and its committees in lengthy and extensive meetings runs the entire gamut of affairs handled by local government. Merely by way of illustration, a few of the Board's activities are cited. The Board approves public welfare payments; carefully scrutinizes and then adopts the annual budget of the City and County; determines, as an appellate body, appeals from decisions of the City Planning Commission; sits annually as a County Board of Equalization and adjusts property assessments; closely screens and makes supplemental appropriations for all departmental purposes; purchases, leases and sells real property; and enacts traffic regulations. In addition, the Board authorizes street improvements; reviews proposed bond issues and charter amendments and, if acceptable, directs submission of them to the voters; establishes salaries for all City employees; and generally exercises not only a legislative but also a supervisory control of the entire local government through its grasp of the purse strings.

CLERK'S OFFICE.

1. Functions generally.

In order to carry out the administrative and clerical functions attendant upon the Board's actions, the Charter has made provisions for the Board to appoint an executive head of its office. He is designated the Clerk of the Board of Supervisors, and is ex-officio Clerk of the Board of Equalization. The Clerk has charge of the office and records of the Board and its committees, and the personnel employed to handle the business affairs and operations of the Board, its committees and members when engaged in official duties. Additionally, the Clerk must keep a Journal of Proceedings of the Board and files of all ordinances and resolutions, properly indexed. He is responsible for publication of ordinances, resolutions and other matters acted upon by the Board and, as the Charter states, has other duties and responsibilities prescribed by the Board.

As a matter of actual practice, the Clerk, while in no way a participant in the formulation of policy, acts as consultant to the Board, its committees and members in connection with the most or all of the official matters presented to them. To the best of his ability, he affords his counsel to the members, when requested, for consideration along with information from other sources. The Clerk and his staff are impressed into service continually for the purpose of drafting proposed charter amendments, ordinances and resolutions. In addition, when directed, they prepare statements and correspondence for the members. In other communities, a comparable position is that of City Clerk, inasmuch as San Francisco has a County Clerk whose functions are directly and solely connected with the rendition of services to the Superior Court.

2. Personnel.

The Clerk has a staff consisting of principally clerical personnel which attends to the administrative business of the Board. The staff is a highly experienced one and normally its members have come into the Clerk's office via the promotional route from other departments of City government. It is interesting to note that, since the Supervisor's office is acutely aware of the need for economy and industry in local government, its fifteen-member staff has not been increased between 1932 and 1966. During that same period of time, since the advent of the new Charter, the growth of the community and the added services provided by local government have obviously increased greatly along with the demands made upon the Supervisors and their staff.

3. Records.

Mention already has been made of the Journal of Proceedings which is the basic recording instrument for the Board's official activities. In addition thereto, the Clerk's office maintains bound volumes of original signed ordinances and resolutions, bound volumes containing copies of all published legislation, bound copies of volumes entitled "Municipal Reports" which were published during the period 1860-1919, and file jackets containing complete documentation with respect to current and past legislative matters. In addition to the various volumes which are available in the Clerk's office as records of the Board's actions, a number of indices are maintained which afford the searcher an easy lead to the contents of the volumes. They include a journal index, a Kardex, a Chaindex, a system of cards reflecting all changes in Municipal Code and Administrative Code sections, and various indices to actions which occurred prior to the year 1948 when the current filing system was established.

General, regulatory and penal ordinances of the Board Are compiled in the San Francisco Municipal Code. Part I of the Code relates to certain administrative matters, and Part III of the Code pertains to license fees and permit procedure. Part II of the Municipal Code contains eleven chapters, each of which is devoted to a particular aspect of municipal regulation. For instance, there is a Police Code, a Fire Code, a Health Code, a Housing Code, a City Planning Code, and so forth. Each of the eleven chapters in Part II are reviewed and reprinted periodically in order that up-to-date regulations may be available for distribution to the public. Prices for Codes are established on the basis of cost to the City, and they may be purchased at the office of the Purchaser of Supplies in the City Hall. In addition to the Municipal Code, there recently has been approved and printed the San Francisco Administrative Code. That, as its name implies, is an enactment which the Charter permits the Board to make in specifying or detailing the respective powers, duties, methods and procedure in the several departments and

offices. Its primary purpose is to codify in one place all administrative directives of the legislative body, not only for the guidance of local officials, but also for the enlightenment of the general public with respect to the administrative and procedural matters set forth therein.

IX. CONCLUSION.

Because of the unusual nature of our City Government, the members of San Francisco's Board of Supervisors actually do two jobs. In the role of City Councilmen, they are responsible for all the laws, ordinances, regulations and long-term project plans covering every part of life within the City, as well as the efficient and economical expenditure of all funds derived from taxes and other revenues. They must have personal knowledge and understanding of each of the City's many operations and services, and spend endless hours in the effort to improve and make them more efficient and economical.

In their role of County Supervisors, they must coordinate all State and Federal legislation which affects the City and must maintain an active, vigilant participation in legislation at all levels to safeguard our interests.

In a determined effort to assure a special type of government adapted as ideally as possible to serve the particular requirements and demands of San Franciscans, the freeholders devised a hybrid structure which incorporates some of the best features of the strong-mayor, city manager, and commission types. They wanted to place greater responsibility on a few men in high office by reducing the number of elected officers. They wanted to replace political appointees with professionally-trained administrators. They wanted to bring about greater efficiency and economy in city affairs by using businesslike management. They wanted to create a charter which would make good government easier to achieve.

To the achievement of all those salutary ends, each member of the Board of Supervisors is dedicated.

ROBERT J. DOLAN
CLERK OF THE BOARD

March 31, 1960
Revised 10/1/64